

New Entries for Spring 2020 Reg Agenda – current as of March 4, 2020

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RIN	Rule Title	Abstract	Timetable
Office of Air and Radiation	Reconsideration of the Final Renewable Fuel Standard Program: Standards for 2020 and Biomass-Based Diesel Volume for 2021 and Response to 2016 Remand	On December 19, 2019, EPA Administrator Wheeler signed a final rule promulgating percentage standards for four categories of renewable fuel (cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel) that would apply to obligated parties in 2020 under the Renewable Fuel Standard. In doing so, EPA projected the volume of gasoline and diesel that would be exempt in 2020 due to small refinery exemptions, and accounted for such exemptions in setting the percentage standards. Subsequently, the United States Court of Appeals for the 10th Circuit issued a decision limiting the circumstances under which EPA could grant a small refinery exemption. Based upon this decision, EPA has determined that the projection of exempt gasoline and diesel volumes for 2020 is no longer accurate and will propose a revision. Additionally, this action proposes a response to the United States Court of Appeals for the District of Columbia Circuit's decision regarding the 2016 Renewable Fuel Standards. EPA proposed to address the 2016 volume in the 2020 notice of proposed rulemaking, but has not yet finalized a response.	<b>Proposed Rule Stage</b> NPRM 04/00/2020
Office of Air and Radiation [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c516b">HYPERLINK "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c516b"</a> ]	Protection of Stratospheric Ozone: Listing of Substitutes under the	EPA has received a number of manufacturers' submissions and petitions concerning listings of substitutes. This rule would propose listings based upon EPA's evaluation and other	<b>Proposed Rule Stage</b> NPRM 06/00/2020

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	Significant New Alternatives Policy Program in Refrigeration, Air Conditioning and Foams	updates as appropriate, focusing on refrigerants and foam blowing agents.	
Office of Air and Radiation [ HYPERLINK "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5167" ]	Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances and Other Updates	The EPA is proposing to extend the laboratory and analytical use exemption for the production and import of class I ozone-depleting substances indefinitely, which currently expires on December 31, 2021. This action is proposed under the Clean Air Act following actions by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. The current exemption expires on December 31, 2021. The permanent exemption allows the production and import of controlled substances in the United States for laboratory and analytical uses that have not been already identified by EPA as nonessential.	<b>Proposed Rule Stage</b> NPRM 08/00/2020
Office of Air and Radiation [ HYPERLINK "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5165" ]	Revising Certain Unclassifiable Area Designations from EPA's Round 2 Air Quality Designations for the 2010 1-Hour SO2 Primary NAAQS	On June 30, 2016, the EPA Administrator signed a final action designating certain areas in the United States for the 2010 1-hour primary sulfur dioxide (SO2) National Ambient Air Quality Standard. In the final action we explained that EPA expects to receive additional air quality characterization for many of the areas being designated, and that the agency could consider such data that corresponds to those areas being designated unclassifiable in future actions that assess the areas' air quality status. With this action, EPA would propose to revise certain unclassifiable area designations in the June 2016 final action that have since collected at least three years of	<b>Proposed Rule Stage</b> NPRM 08/00/2020

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		air quality monitoring information to characterize SO2 air quality pursuant to EPA's Data Requirements Rule (80 FR 51052).	
Office of Air and Radiation [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5151">HYPERLINK</a> "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5151" ]	Petition to Delist Stationary Combustion Turbines from the List of Categories of Major Sources of Hazardous Air Pollutants	<p>Section 112 of the Clean Air Act (CAA) requires EPA to list and establish emission limits for categories and subcategories of major sources and area sources of hazardous air pollutants (HAP). The CAA allows EPA to consider petitions to modify the list by adding or removing source categories. EPA may delete a source category from the list when EPA makes the determination that (1) no source in the category emits HAP in quantities which may cause a lifetime risk of cancer greater than 1-in-1-million, (2) noncancer risks are below a level which is adequate to protect public health with an ample margin of safety, and (3) no adverse environmental effect will result from emissions from any source in the category. Any petition shall include a showing by the petitioner that there is adequate data on the health or environmental effects of the pollutant or other evidence adequate to support the petition. Information in the petition and other available data are then used to support EPA's own risk assessment that determines whether the criteria for delisting are or are not satisfied. On that determination, EPA will either grant (propose to delist) or deny the petition. If the EPA proposes to delist, the Agency will take final action on the proposal after consideration of public comments.</p> <p>On August 28, 2019, EPA received a petition to remove the Stationary Combustion Turbines source category from the list of categories of</p>	<b>Pre-Rule Stage Notice</b> 09/00/2020

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		major sources. On November 19, 2019, EPA received a supplement to the petition. This action reviews and proceeds to address the petition.	
Office of Air and Radiation [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c4c3e">HYPERLINK</a> "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c4c3e" ]	Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters	On March 21, 2011, the EPA promulgated National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (76 FR 15608). The rule (40 CFR part 63, subpart DDDDD) includes standards to control hazardous air pollutant emissions from new and existing industrial, commercial, and institutional boilers and process heaters fired with coal, oil, biomass, natural gas or other solid, liquid or gaseous non-waste materials located at major source facilities. Rule amendments that did impose additional regulatory requirements beyond those imposed by the March 2011 final rule were estimated to result in an increase in burden were promulgated on January 31, 2013 (78 FR 7138). The EPA developed a Small Entity Compliance Guide, a Questions and Answers document and other helpful compliance information. This new entry in the regulatory agenda announces that EPA will review this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). As part of this review, EPA will consider and solicit comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other federal, state or local government rules; and (5) the degree to which	<b>Pre-Rule</b> Initiate Review 05/00/2020

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		the technology, economic conditions or other factors have changed in the area affected by the rule. Comments must be received within 60 days of this notice. In submitting comments, please reference Docket ID No. EPA-HQ-OAR-2020-0106 and follow the instructions provided in the preamble to this issue of the Regulatory Agenda. This docket can be accessed at <a href="http://www.regulations.gov">www.regulations.gov</a> .	
Office of Air and Radiation [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c4c3d">HYPERLINK "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c4c3d"</a> ]	Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers	On March 21, 2011, EPA promulgated National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (76 FR 15554). The rule (40 CFR part 63, subpart JJJJJ) includes standards to control hazardous air pollutant emissions from new and existing industrial, commercial and institutional boilers fired with coal, oil, biomass or other solid and liquid non-waste materials located at area source facilities. Rule amendments that did not impose any additional regulatory requirements beyond those imposed by the March 2011 final rule and, in certain instances, would result in a decrease in burden, were promulgated on February 1, 2013 (78 FR 7488) and September 14, 2016 (81 FR 63112). EPA developed a Small Entity Compliance Guide, a Questions and Answers document and other helpful compliance information. This new entry in the regulatory agenda announces that EPA will review this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). As part of this review, EPA will consider and solicit comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning	<b>Pre-Rule</b> Initiate Review 05/00/2020

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		the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other federal, state or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Comments must be received within 60 days of this notice. In submitting comments, please reference Docket ID EPA-HQ-OAR-2020-0099 and follow the instructions provided in the preamble to this issue of the Regulatory Agenda. This docket can be accessed at <a href="http://www.regulations.gov">www.regulations.gov</a> .	
Office of Air and Radiation [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c4634">HYPERLINK "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c4634"</a> ]	2-Butoxyethyl Benzoate Clean Air Act Section 112 Delisting Petition	On September 30, 2019, the Dow Chemical Company submitted a petition to the U.S. Environmental Protection Agency (EPA) to remove 2-butoxyethyl benzoate (2-BEB) from the category of glycol ethers in the list of hazardous air pollutants (HAP) under section 112(b)(3) of the Clean Air Act (CAA), 42 U.S.C. 7412(b)(3). Dow views 2-BEB as a potential replacement for ethylene glycol monobutyl ether (EGBE) and some other chemicals for specific applications. EGBE was delisted as a HAP by EPA on November 29, 2004. This action represents a reduction in regulatory burden and cost if Dow's petition is accepted. Under section 112(b) of the CAA, EPA has 18 months to review petitions to add or delist chemicals from the CAA section 112(b)(1) HAP List.	<b>Pre-Rule Stage</b> Notice 11/00/2020
Office of Chemical Safety and Pollution Prevention	Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl	On December 20, 2019, the National Defense Authorization Act for Fiscal Year 2020 (NDAA) was signed into law. Among other provisions, section 7321 amends section 313 of the Emergency Planning and Community Right-to-	<b>Final Rule Stage</b> Final Rule 05/00/2020

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	Substances; Toxic Chemical Release Reporting	Know Act (EPCRA) to include certain per- and polyfluoroalkyl substances (PFAS) on the EPCRA section 313 list of reportable toxic chemicals as of January 1, 2020. Specifically, the NDAA identifies 14 chemicals by name and/or chemical abstracts service registry number (CASRN) in Section 7321(b) and identifies additional PFAS listed as (1) an active chemical substance in the February 2019 update to the TSCA Inventory released by EPA under section 8(b)(1) of the Toxic Substances Control Act (TSCA); and (2) subject to (as of December 20, 2019), the requirements in 40 CFR 721.9582 or 721.10536. This action will amend the EPCRA regulations to reflect the statutory addition of the PFAS chemicals covered by the NDAA to the list of chemical substances subject to reporting for the Toxic Release Inventory (TRI).	
Office of Chemical Safety and Pollution Prevention	Reporting and Recordkeeping for Certain Chemicals under Section 8(a) of the Toxic Substances Control Act (TSCA)	EPA is developing a rulemaking under section 8(a) of the Toxic Substances Control Act (TSCA) to add certain chemicals that are on the TSCA Work Plan to the Chemical-Specific Reporting and Recordkeeping rules in 40 CFR part 704, Subpart B. TSCA section 8(a) authorizes EPA to require manufacturers (defined by TSCA to include importers) and processors of certain chemicals to report information known to or reasonably ascertainable by them, including information on chemical identity and structure, manufacture, use, exposure, disposal, and health and environmental effects, and to maintain records of such information. EPA is developing this TSCA section 8(a) rule to obtain information about potential hazards and exposure pathways related to certain chemicals on the TSCA Work Plan, particularly	<b>Proposed Rule Stage NPRM 11/00/2020</b>

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		occupational, environmental, and consumer exposure information. This information is needed to inform prioritization and risk evaluation of the chemical substances, as mandated under TSCA section 6. TSCA section 6 requires EPA to draw chemicals from the 2014 update of the TSCA Work Plan for Chemical Assessments to prioritize and/or evaluate those particular chemicals or chemical groups listed on the Work Plan for potential risks.	
Office of Land and Emergency Management [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5168">HYPERLINK</a> "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5168" ]	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy Surface Impoundments	On April 17, 2015, the Environmental Protection Agency (EPA or the Agency) promulgated national minimum criteria for existing and new coal combustion residuals (CCR) landfills and existing and new CCR surface impoundments. On August 21, 2018 the D.C. Circuit Court of Appeals issued its opinion in the case of Utility Solid Waste Activities Group, et al v. EPA, which vacated and remanded the provision that exempted inactive impoundments at inactive facilities from the CCR rule. As a first step to implement this part of the court decision, EPA is seeking comments and data on inactive CCR surface impoundments at inactive utilities “legacy units” to assist in the development of future regulations for these CCR units.	<b>Pre-Rule Stage</b> ANPRM 06/00/2020
Office of Land and Emergency Management [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5166">HYPERLINK</a> "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5166" ]	Response to Petition to Revise the Non-Hazardous Secondary Material	The Environmental Protection Agency is responding to a rulemaking petition requesting amendments to the Non-Hazardous Secondary Materials (NHSM) regulations, which establish standards and procedures for identifying whether non-hazardous secondary materials are solid wastes when legitimately used as	<b>Proposed Rule Stage</b> NPRM 01/00/2021



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	Standards under Part 241	fuels or ingredients in combustion units. The petition requested the following amendments: 1) change from mandatory to “should consider” the legitimacy criterion for comparison of contaminants in the NHSM to the traditional fuel the unit is designed to burn; 2) remove associated design to burn and other limitations for creosote treated railroad ties; and 3) revise the definition of paper recycling residuals (PRRs) that can be burned as non-waste to include non-fiber materials.	
Office of Mission Support [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5150">HYPERLINK</a> "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5150" ]	Revisions to 2 CFR Part 1500	EPA’s regulations supplementing the 2 CFR 200 Uniform Grant Guidance are in 2 CFR Part 1500. EPA plans to revise 2 CFR Part 1500 to conform with the Uniform Grant Guidance rule.	<b>Final Rule Stage</b> Interim Final 04/00/2020
Office of Policy [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5120">HYPERLINK</a> "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c5120" ]	Updates to Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions	On January 10, 2020, CEQ proposed updates to the regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) (40 CFR Parts 1500 through 1508). As proposed, the CEQ updated regulations would require agencies to update their implementing NEPA regulations within one year of the final rule. This proposal is for EPA to update the implementing NEPA regulations to be consistent with updated CEQ NEPA Regulations (40 CFR Parts 1500 through 1508), if finalized. EPA actions subject to NEPA include the award of wastewater treatment construction grants under Title II of the Clean Water Act, EPA’s issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act, certain research and development; subparts A through C of this part	<b>Long-Term Action</b> NPRM 10/00/2021

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		supplement those regulations, for actions proposed by EPA that are subject to NEPA requirements.	
Office of Policy [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c511f">HYPERLINK</a> "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c511f" ]	Procedures for Issuing Guidance Documents	This regulation will implement certain provisions of Executive Order (EO) 13891: "Promoting the Rule of Law Through Improved Agency Guidance Documents." In particular, the EO calls on the Environmental Protection Agency to develop new or amend existing regulations that set forth a process for issuing guidance documents.	<b>Proposed Rule Stage</b> NPRM 03/00/2020
Region 6 [ <a href="https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c516a">HYPERLINK</a> "https://www.rocis.gov/rocis/ViewRule.do?object_ID=09000bb9805c516a" ]	Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan	On October 17, 2017, the EPA published a final rule partially approving and partially disapproving the 2009 Texas Regional Haze State Implementation Plan (SIP) submission and promulgated a Federal Implementation Plan (FIP) for Texas to address certain outstanding requirements. The Administrator subsequently received a petition requesting EPA to reconsider certain provisions in the final rule. Specifically, the petition raised several objections to EPA's intrastate trading program to address the best available retrofit technology (BART) requirements for SO2. Because the EPA agrees that certain aspects of the final rule could benefit from additional public input, we are reproposing some aspects of our SIP approval and some aspects of the FIP to provide the public with an opportunity to comment.	<b>Final Rule Stage</b> Final Rule 07/00/2020

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